

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

IN RE:

ON-CALL STAFFING, INC.

CASE NO. 16-13823-JDW

DEBTOR

CHAPTER 11

**MOTION TO SELL 1983 MITSUBISHI AIRCRAFT AS IS, WHERE IS,
FREE AND CLEAR OF LIENS, CLAIMS AND ENCUMBRANCES
WITH PROCEEDS TO BE PAID TO PNC EQUIPMENT FINANCE, LLC**

COME NOW, On-Call Staffing, Inc. , (“Debtor”), by and through its attorney of record and files this its Motion to Sell 1983 Mitsubishi Aircraft as is, Where is, Free and Clear of Liens, Claims and Encumbrances With Proceeds to be Paid to PNC Equipment Finance, LLC and would show as follows, to-wit:

1. This Court has jurisdiction of the subject matter herein and the parties hereto pursuant to 28 U.S.C. §§157 and 1334; 11 U.S.C. §§105, 361, 363, 365, 1107 and related statutes and rules, as well as various orders of reference. This is a core proceeding.

2. On October 28, 2016 (the “Petition Date”), the Debtor filed with this Court its Voluntary Petition (the “Petition”) for relief under Chapter 11 of the Bankruptcy Code. The Debtor remains in possession of its assets and property as debtor-in-possession pursuant to §§ 1107(a) and 1108 of the Bankruptcy Code. To date, no trustee, examiner or official committee has been appointed in this case.

3. At the time of filing herein On-Call Staffing, Inc., Debtor owned a 1983 Mitsubishi Aircraft which, due to lack of available funds has been grounded for approximately two years. The plane is inoperable and will require extensive repairs. The Debtor feels that it is only good for parts.

4. PNC Equipment Finance, LLC (“PNC”) has a claim for \$221,094.84 secured by the 1983 Mitsubishi Aircraft. Attached hereto as Exhibit "A" is the recorded Aircraft Security Agreement perfecting PNC’s security interest in said aircraft.

5. The Debtor has received an offer to purchase the 1983 Mitsubishi Aircraft from Cotton Belt Aviation, Inc. (“Purchaser”) for \$55,000.00. Said proceeds will be paid directly to PNC Equipment Finance, LLC into the Trust Account of their attorney’s Turnbull & Born, PLLC to be held in trust until release of PNC security interest. PNC has agreed to this sale.

6. Purchaser has no relationship with the Debtor and this is an arms length transaction. Purchaser is a good faith purchaser. Debtor has tried to sell the plane over two years and this is the only true offer and is the highest and best offer.

7. Upon receipt of the \$55,000.00 PNC will have an unsecured claim in the amount of \$166,094.84 which will be treated under the Debtors Plan as a Class 8 – General Unsecured Claim. PNC reserve its rights in this claim and against all third party libel on this indebtedness.

WHEREFORE, PREMISES CONSIDERED, the Debtor moves the Court to approve the sale of the 1983 Mitsubishi Aircraft, as is, where is for the consideration stated free and clear of all liens, claims and encumbrances, with proceeds to be paid directly to PNC Equipment Finance, LLC by payment into the Trust Account of Turnbull & Born, PLLC. Debtor prays that it be authorized to execute the documents necessary to sell the aircraft as set forth herein. Debtor prays for such

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

other relief as is just and proper in the premises including the waiver of the fourteen (14) day stay under Rule 6004(h).

Respectfully submitted this the 21st day of September, 2017.

ON-CALL STAFFING, INC.

By: /s/J. Walter Newman IV
J. WALTER NEWMAN IV

J. Walter Newman IV, MSB# 3832
Newman & Newman
587 Highland Colony Parkway
Ridgeland, MS 39157
Phone: (601) 948-0586
Email: wnewman95@msn.com
Attorney for Debtor in Possession

CERTIFICATE OF SERVICE

I, J. Walter Newman IV, the undersigned attorney for the above referenced debtor, do hereby certify that I have this date served a true and correct copy of the above and foregoing Pleading *via* Notice of Electronic Filing (NEF) through the ECF system and/or *via* United States Mail, postage pre-paid to the following:

Sammye Tharp
Office of the United States Trustee
sammye.tharp@usdoj.gov

Brian M. BornTurnbull & Born, PLLC
950 Pacific Ave., Suite 1050
Tacoma, WA 98402
bborn@turnbullborn.com

James T. Milan
jtm@milamlawpa.com

Hal Neilson
attorneyhalneilson@gmail.com

This, the 21st day of September, 2017.

/s/J. Walter Newman IV
J. WALTER NEWMAN IV